

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES KUCZMASKI, etc., et al.,)	
)	
Plaintiffs,)	CIVIL ACTION NUMBER:
)	2:06-cv-731-MHT-SRW
vs.)	JURY DEMAND
)	UNOPPOSED
US FOODSERVICE,)	
)	
Defendant.)	
)	

**PLAINTIFFS' MOTION TO CONTINUE THE TELEPHONE HEARING
CURRENTLY SCHEDULED FOR OCTOBER 11, 2007 AT 9:00 A.M**

COME NOW the plaintiffs, by and through the undersigned counsel, and request this Honorable Court to continue the fairness hearing currently scheduled for October 11, 2007 at 9:00 a.m. As grounds for this Motion, the plaintiffs state the following:

1. Plaintiffs' counsel, Gregory O. Wiggins and Kevin W. Jent, are scheduled to be in a trial beginning Tuesday, October 9, 2007 in the case *Joey Battles vs. Mitchell Grocery Corporation*, 2:05-cv-1570-VEH. The case is expected to last the remainder of the week.
2. Therefore, counsel is not available for the scheduled telephone hearing on October 11, 2007 at 9:00 a.m.
3. Plaintiffs' counsel has spoken with defendant's counsel and both parties are available to reschedule the telephone hearing for the afternoon of October 16, 2007 (after 11:00 a.m.) or all day either October 17th or October 18th, 2007.

WHEREFORE, PREMISES CONSIDERED, the plaintiffs respectfully request this Honorable Court continue the telephone hearing currently scheduled for October 11, 2007 at 9:00 a.m. until either the afternoon or October 16th or any time October 17th or 18th, 2007.

Respectfully submitted,

/s/ Gregory O. Wiggins
Gregory O. Wiggins
Counsel for the Plaintiff

OF COUNSEL:

WIGGINS, CHILDS, QUINN & PANTAZIS, LLC
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205/314-0500

CERTIFICATE OF SERVICE

I do hereby certify that I have filed the above and foregoing by CM/ECF today, September 26, 2007, with copies being served on:

Tammy L. Baker
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/s/ Gregory O. Wiggins
Gregory O. Wiggins